

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DISTRICT**

SALA NAAMBWE and YVETTE NIMENYA  Plaintiffs,  vs.  SMITHFIELD FOODS, INC.  Defendant.	Case No.: 4:17-cv-04123-LLP  <p style="text-align: center;"><b>DEFENDANT’S EXHIBIT LIST</b></p>
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Pursuant to Fed. R. Civ. P. 26(a)(3), Defendant Smithfield Packaged Meats Corp. (incorrectly named in this case as Smithfield Foods, Inc.) hereby identifies the exhibits it intends to introduce at the trial of this action. This list is not inclusive of exhibits that may be used for impeachment or rebuttal purposes.

<b><u>Exhibit Number</u></b> <b>(Same Number as in Depositions)</b>	<b><u>Description</u></b>
1	Acknowledgement forms – sexual harassment training; receipt of Code of Conduct – Yvette Nimenya
2	Smithfield Employee Handbook
3	Smithfield Code of Business Conduct and Ethics
4	Collective Bargaining Agreement for plant hourly employees
8	Email dated March 3, 2016 from Scott Reed to Russ Hultman with Hultman handwritten notes
9	Email dated March 4, 2016 from Carrie Moate to Scott Reed and Dave Hillberg re: Scott Genzler
10 (also Ex. 50)	Summary of meeting dated 3/22/16 signed by Russ Hultman, Thomas Zurauff, David Hillberg

16	Written warning to Scott Genzler dated 2-22-16
19	Acknowledgement forms signed by Sala Naambwe re: harassment training, receipt of Code of Conduct
20	Notice of Hearing and Summons to Appear TPO 17-326, Sala Naambwe v. Juan Ogaldez
22	Email dated September 12, 2016 from Monica Derby to Scott Reed re: Sala Naambwe follow-up
25	Photograph and diagram of honey line incident
27	Collective Bargaining Agreement between John Morrell & Co. and United Food and Commercial Workers Local 304A
28	Email dated April 4, 2016 from Scott Reed to Dave Hillberg, Russ Hultman, Gary Loger re: Sala Naambwe
30	Email dated August 29, 2016 from Monica Derby to Scott Reed re: Investigation Notes – Christion, Zuroff, Anderson
39	Email dated April 2, 2018 from Scott Reed to Carrie Moate re: Sala Naambwe & Abegail David Incident 03/27/18
41	Disciplinary action form for Sala Naambwe dated 12/08/16 with handwritten note: “Reduced to written per Grievance.”
45	Email dated January 12, 2017 from Gary Loger to Dave Hillberg re: Sala
48	Email dated February 29, 2016 from Scott Reed to Carrie Moate, David Hillberg re: Scott Genzler
54	UFCW correspondence, including grievance form, related to Naambwe grievance no. SF 05/18
56	UFCW correspondence, including grievance form, related to Naambwe grievance no. SF 104/16
57	Email dated August 15, 2017 from Dakota Mills with attached investigation powerpoint
58	Email chain dated August 15, 2017 between Scott Reed and Garney Henley re: Sala

<b><u>Exhibit Number</u></b> <b>(Defendant's Exhibits Only)</b>	<b><u>Description</u></b>
100	Handwritten notes of Gary Loger dated 12-18-14 re: investigation into Naambwe complaints
101	Email dated December 24, 2014 from Scott Reed to Gary Loger, Dave Hillberg, Carrie Moate re: Sala Naambwe & Juan Ogaldez
102	Notes to file written by Scott Reed and dated October 4, 2016 re: Respectful Communications & Behavior Discussion – Smoked Meats Dept 19
103	Scott Reed handwritten notes dated 04/04/16 re: Juan Ogaldez issue
104	Email dated April 11, 2016 from Dave Hillberg to Scott Reed, Russ Hultman, Gary Loger re: Sala Naambwe
105	Email dated December 12, 2016 from Scott Reed to Dave Hillberg, Gary Loger, cc Monica Derby
106	Email dated December 26, 2017 from Scott Reed to Steve Fergen, cc: Carrie Moate, re: Sala Naambwe & Ozie Townsend Incident 12/20-12/22/2017
107	Scott Reed's typed notes dated 1/10/18 re: meeting with Sala Naambwe to discuss taking photographs
108	Carrie Moate's handwritten notes dated 12/22/14 regarding investigation into Juan Ogaldez incident
109	Email dated August 29, 2016 from Monica Derby to Scott Reed, cc: Gary Loger, David Hillberg re: Interview-Loger
110	Email dated August 26, 2016 from Monica Derby to Scott Reed re: Sala Naambwe
111	Chart of employees with multiple disciplinary actions in a single day
112	Chart of employees with disciplinary actions for violations of multiple work rules
113	Email dated February 26, 2016 from Scott Reed to Russ Hultman, Gary Loger, cc: Dave Hillberg, Carrie Moate, Timbre

	Coster, Steve Fergen re: Scott Genzler Attendance
114	Attendance policy
115	Payroll and seniority lists used by Monica Derby to investigate Naambwe grievance in August 2016
<b><u>May Introduce</u></b> 116	Selected medical records of Sala Naambwe

Date: September 10, 2018

Respectfully submitted,

**SMITHFIELD PACKAGED MEATS CORP.**

By: /s/ Lisa K. Marso

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**ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served via the Court's electronic filing system on September 10, 2018 on the following counsel for Plaintiffs:

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/s/ Lisa K. Marso  
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